



Atty Dkt 2225-0003

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Choe et al.

Serial No.: 09/775,879

Group Art Unit: 1638

AUG 01 2002

Filing Date: February 2, 2001

Examiner: S. Baum

TECH CENTER 1600/2900

Title: *Dwf7* MUTANTS

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DECLARATION PURSUANT TO 37 CFR 1.131

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

We, SUNGHWA CHOE and KENNETH A. FELDMANN, hereby declare
as follows:

1. We are the coinventors of the above-captioned patent application, U.S. Serial No. 09/775,879.
2. We understand that the U.S. Patent and Trademark Office has rejected the claims in the subject patent application in an Office Action mailed April 24, 2002, on the basis of Husselstein et al., *Plant Molec. Biol.* (1999) 39:891-906 ("Husselstein").
3. We submit this declaration to show that, prior to March 1999, the publication date of Husselstein, we had obtained *dwf7* mutants, sequenced the same and characterized *dwf7* plants. Attached hereto as Exhibit A is a copy of Choe et al., *The Plant Cell* (February 1999) 11:207-221, on which we are coauthors. This article details the work described above. As shown on page 219 of this publication, the manuscript that matured into this paper was received by the journal on November 11, 1998 and thus prior to March 1999.

4. We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date

Sunghwa Choe

25 JUN 02
Date
Kenneth A. Feldmann

4. We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



6/20/02
Date

Sunghwa Choe
Sunghwa Choe

Date

Kenneth A. Feldmann

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